

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiromasa Tanobe et al.

Application No.: 10/717,225

Confirmation No.: 6024

Filed: November 19, 2003

Art Unit: 2613

For: Optical Communication System

Examiner: D. J. Lee

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 6, 2007, applicant hereby provisionally elects with traverse Species I (FIG. 1A and FIG. 3A), sub-species for control signals I (FIG. 8) and sub-species for management signals II (FIG. 19) for examination at this time. The claims readable on the elected species and sub-species are as follows:

Claims 1, 3, 9, 12, 17, 20, 24, 27, 30 and 33 are readable on species I.

Claims 2, 6, 8, 16, and 23 are readable on sub-species for control signals I.

Claims 4, 5, 10, 11, 13, 14, 18, 19, 21, 22, 25, 26, 28, 29, 31 and 32 are readable on sub-species for management signals II.

Applicants' election is made without prejudice and Applicants reserve the right to prosecute the non-elected species at a later date. The Applicants respectfully traverse the

Examiner's restriction/election requirement for the following reasons. Reconsideration is respectfully requested.

The Examiner asserts that this application contains claims directed to patentably distinct species I through VII. However, species II (Fig. 20) and species III (Fig. 25 and 29) closely relate to each other, and species IV through VII (Figs. 30, 35, 36 and 44) closely relate to each other. For example, in Figs. 20, 25 and 29, a logical ring topology is formed using multiple path establishment circuits and multiple communication nodes. Moreover, in Figs. 30, 35, 36 and 44, multiple nodes, multiple optical switches, multiple optical multiplexers/optical splitters, and multiple path establishment circuits are connected in a similar manner as shown by these figures.

Therefore, Applicants submit that claims 1-118 are more appropriately divided into three (3) groups: Claims 1-33 (corresponding to species I); Claims 34-47 and 116 (corresponding to species II and III); and Claims 48-115, 117 and 118 (corresponding to species IV through VII). Moreover, it is respectfully submitted that claims 1-33 should be examined together; claims 34-47 and 116 should be examined together; and claims 48-115, 117 and 118 should be examined together.

The Examiner also asserts that there are distinct sub-species for control signals I through IV. However, sub-species for control signals II through IV (Figs 9-11) closely relate to each other. That is to say, Fig. 10 and Fig 11 are more specific examples of Fig. 9, as explained on page 28 (3rd and 4th paragraphs) and on page 29 (1st paragraph) of applicants' specification. Therefore, it is respectfully submitted that sub-species for control signals II through IV should be examined together.

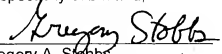
For these reasons, applicants respectfully request the examiner to reconsider the restriction/election requirement. By dividing this application into the three groups proposed by the applicants' it is believed that a more efficient prosecution will result.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 5259-000034/US from which the undersigned is authorized to draw.

Dated: April 27, 2007

Respectfully submitted,

By


Gregory A. Stebb

Registration No.: 28,764

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. Box 828

Bloomfield Hills, Michigan 48303

(248) 641-1214

Attorney for Applicant